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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 110819518-4477-03]

RIN 0648-BB20

Correction; Restatement of Final Rule to Remove the Sunset Provision of the Final Rule Implementing Vessel Speed Restrictions to Reduce the Threat of Ship Collisions With North Atlantic Right Whales

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correcting amendment.

SUMMARY: NMFS published a document eliminating the expiration date (or "sunset clause") in regulations requiring vessel speed restrictions to reduce the likelihood of lethal vessel collisions with North Atlantic right whales. The DATES section in the preamble of that document did not specify that the expiration date of the original rule was being removed. This document corrects the DATES section to remove the expiration date and republishes §224.105 for the convenience of the reader.

DATES: The expiration of 50 CFR 224.105, as published at 73 FR 60173 (October 10, 2008), is removed effective December 6, 2013. The effective date of this rule is December 6, 2013.

FOR FURTHER INFORMATION CONTACT: Gregory Silber, Ph.D., Fishery Biologist, Office of Protected Resources, NMFS, at (301) 427-8402.

SUPPLEMENTARY INFORMATION:

NMFS published a document eliminating the expiration date (or "sunset clause") in regulations requiring vessel speed restrictions to reduce the likelihood of lethal vessel collisions with North Atlantic right whales. The DATES section in the preamble of that document did not specify that the expiration date of the original rule was being removed. This document corrects the DATES section to remove the expiration date and republishes §224.105 for the convenience of the reader.

List of Subjects in 50 CFR Part 224

Endangered marine and anadromous species

Dated: June 10, 2014

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 224 is corrected as follows:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

1. The authority citation for 50 CFR part 224 continues to read as follows:

Authority: 16 U.S.C. 1531-1543 and 16 U.S.C. 1361 et seq.,

2. In part 224, republish section 224.105 to read as follows:

§ 224.105 Speed restrictions to protect North Atlantic Right Whales.

(a) The following restrictions apply to: All vessels greater than or equal to 65 ft (19.8 m) in overall length and subject to the jurisdiction of the United States, and all other vessels greater than or equal to 65 ft (19.8 m) in overall length entering or departing a port or place subject to the

jurisdiction of the United States. These restrictions shall not apply to U.S. vessels owned or operated by, or under contract to, the Federal Government. This exemption extends to foreign sovereign vessels when they are engaging in joint exercises with the U.S. Department of the Navy. In addition, these restrictions do not apply to law enforcement vessels of a State, or political subdivision thereof, when engaged in law enforcement or search and rescue duties.

(1) Southeast U.S. (south of St. Augustine, FL to north of Brunswick, GA): Vessels shall travel at a speed of 10 knots or less over ground during the period of November 15 to April 15 each year in the area bounded by the following: Beginning at $31^{\circ}27'00.0''$ N- $080^{\circ}51'36.0''$ W; thence west to charted mean high water line then south along charted mean high water line and inshore limits of COLREGS limit to a latitude of $29^{\circ}45'00.0''$ N thence east to $29^{\circ}45'00.0''$ N- $080^{\circ}51'36.0''$ W; thence back to starting point. (Fig. 1).

(2) Mid-Atlantic U.S. (from north of Brunswick, Georgia to Rhode Island): Vessels shall travel 10 knots or less over ground in the period November 1 to April 30 each year:

(i) In the area bounded by the following: $33^{\circ}56'42.0''$ N- $077^{\circ}31'30.0''$ W; thence along a NW bearing of 313.26° True to charted mean high water line then south along mean high water line and inshore limits of COLREGS limit to a latitude of

31°27'00.0" N; thence east to 31°27'00.0" N-080°51'36.0" W;
thence to 31°50'00.0"N-080°33'12.0" W; thence to 32°59'06.0" N-
078°50'18.0" W; thence to 33°28'24.0" N-078°32'30.0" W; thence
to 33°36'30.0" N-077°47'06.0" W; thence back to starting point.;

(ii) Within a 20-nm (37 km) radius (as measured seaward
from COLREGS delineated coast lines and the center point of the
port entrance) (Fig. 2) at the

(A) Ports of New York/New Jersey: 40°29'42.2" N-
073°55'57.6" W;

(B) Delaware Bay (Ports of Philadelphia and Wilmington):
38°52'27.4" N-075°01'32.1" W;

(C) Entrance to the Chesapeake Bay (Ports of Hampton Roads
and Baltimore): 37°00'36.9" N-075°57'50.5" W; and

(D) Ports of Morehead City and Beaufort, NC: 34°41'32.0" N-
076°40'08.3" W; and

(iii) In Block Island Sound, in the area bounded by the
following coordinates: Beginning at 40°51'53.7" N-70°36'44.9" W;
thence to 41°20'14.1" N-70°49'44.1" W; thence to 41°04'16.7" N-
71°51'21.0" W; thence to 40°35'56.5" N-71°38'25.1" W; thence
back to starting point. (Fig. 2).

(3) Northeast U.S. (north of Rhode Island):

(i) In Cape Cod Bay, MA: Vessels shall travel at a speed of
10 knots or less over ground during the period of January 1 to
May 15 in Cape Cod Bay, in an area beginning at 42°04'56.5" N-

070°12'00.0" W; thence north to 42°12'00.0" N-070°12'00.0" W; thence due west to charted mean high water line; thence along charted mean high water within Cape Cod Bay back to beginning point. (Fig. 3).

(ii) Off Race Point: Vessels shall travel at a speed of 10 knots or less over ground during the period of March 1 to April 30 each year in waters bounded by straight lines connecting the following points in the order stated (Fig. 3): 42°30'00.0" N-069°45'00.0" W; thence to 42°30'00.0" N-070°30'00.0" W; thence to 42°12'00.0" N-070°30'00.0" W; thence to 42°12'00.0" N-070°12'00.0" W; thence to 42°04'56.5" N-070°12'00.0" W; thence along charted mean high water line and inshore limits of COLREGS limit to a latitude of 41°40'00.0" N; thence due east to 41°41'00.0" N-069°45'00.0" W; thence back to starting point.

(iii) Great South Channel: Vessels shall travel at a speed of 10 knots or less over ground during the period of April 1 to July 31 each year in all waters bounded by straight lines connecting the following points in the order stated (Fig. 3):

42°30'00.0" N-069°45'00.0" W

41°40'00.0" N-069°45'00.0" W

41°00'00.0" N-069°05'00.0" W

42°09'00.0" N-067°08'24.0" W

42°30'00.0" N-067°27'00.0" W

42°30'00.0" N-069°45'00.0" W

(b) Except as noted in paragraph (c) of this section, it is unlawful under this section:

(1) For any vessel subject to the jurisdiction of the United States to violate any speed restriction established in paragraph (a) of this section; or

(2) For any vessel entering or departing a port or place under the jurisdiction of the United States to violate any speed restriction established in paragraph (a) of this section.

(c) A vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required ten knots only if justified because the vessel is in an area where oceanographic, hydrographic and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation from the ten-knot speed limit is necessary, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating it.

(d) No later than January 1, 2019, the National Marine Fisheries Service will publish and seek comment on a report evaluating the conservation value and economic and navigational

safety impacts of this section, including any recommendations to minimize burden of such impacts.

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